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Attorney Docket No. 9066-23DV

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Marsh et al.
Serial No.: 10/820,186
Filed: April 7, 2004
For: CUSHIONING DEVICE FOR FURNITUREConfirmation No.: 7421
Group Art Unit: 3676
Examiner: Carlos Lugo**Submission of:**

1. Request for Reconsideration After Final

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**RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED
PROCEDURE - EXAMINING GROUP 3676**

Attorney Docket No. 9066-23DV

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November 18, 2004

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION AFTER FINAL

Sirs:

Applicants provide the present Request for Reconsideration to address the issues raised in the final Office Action mailed November 12, 2004 (the final Action).

The pending claims stand rejected in the final Action based on a nonstatutory double patenting rejection. The nonstatutory double patenting rejection is the only issue outstanding in the final Action.

As discussed in an Amendment filed September 28, 2004, the nonstatutory double patenting rejection is improper under 35 U.S.C. § 121 and Section 804.01 of the M.P.E.P. The arguments from the Amendment filed September 28, 2004 are incorporated herein by reference. Applicants contacted the Examiner by telephone, and received a voice mail message on November 17, 2004, which indicated that the nonstatutory double patenting rejection would be withdrawn.

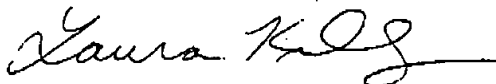
Applicants appreciate the Examiner's indication by telephone that the improper nonstatutory double patenting rejection would be withdrawn. Accordingly, all outstanding issues have been addressed, and Applicants request that the current application proceed to issuance. If any outstanding formalities are noted, the Examiner is requested to contact the undersigned attorney for expeditious handling.

If any extension of time for the accompanying response or submission is required, Applicant requests that this be considered a petition therefor. The Commissioner is hereby

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authorized to charge any additional fee, which may be required, or credit any refund, to our
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Respectfully submitted,



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Carey Gregory

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